

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Darion Nicholson,

Petitioner

v.

Jo Gentry, et al.,

Respondents

2:16-cv-02236-JAD-NJK

**Order Denying Application to Proceed
in forma pauperis and Dismissing Case
Without Prejudice**

[ECF No. 1]

Nicholson has submitted a § 2254 petition and an application to proceed *in forma pauperis*. But this action has not been properly commenced because Nicholson submitted incomplete financial paperwork with his IFP application.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, a petitioner must attach both an inmate-account statement for the past six months and a financial certificate signed by an authorized prison or jail officer. Nicholson failed to provide either document. Because Nicholson's application is incomplete, I cannot determine whether he qualifies for pauper status. I therefore deny Nicholson's application and dismiss this case, both without prejudice. Nicholson is cautioned that, at all times, he remains responsible for calculating and satisfying the federal limitation period as applied to his case.

Accordingly, IT IS HEREBY ORDERED that Nicholson's application to proceed *in forma pauperis* [ECF No. 1] is **DENIED, this action is DISMISSED without prejudice, and, because reasonable jurists would not find my conclusions to be debatable or wrong, a certificate of appealability is DENIED.**

Nicholson may file a new petition in a new action with a properly completed pauper application, including attachments. Nicholson is cautioned that no further filings will be entertained in this closed case.

The Clerk of Court is directed to SEND to Nicholson two copies each of an application to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254 habeas

1 **petition form, one copy of the instructions for each form, and a copy of the papers that he**
2 **submitted in this action.**

3 Dated this 5th day of October, 2016

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6 Jennifer A. Dorsey
7 United States District Judge
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